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BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET, N.W. SUITE 1100 WASHINGTON, DC 20001-4597			ROSWELL, MICHAEL	
		ART UNIT		PAPER NUMBER
		2173		
DATE MAILED: 07/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/681,836	CADIZ ET AL.
	Examiner	Art Unit
	Michael Roswell	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 April 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-37 and 100-124 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-37 and 100-124 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 20060427.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This Office action is in response to the Request for Continued Examination filed 27 April 2006. The Affidavit filed 27 April 2006 is approved, with a new Office action below.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10 and 100-107, 111, 113-117, and 120-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (U.S. Patent 5,793,365), hereinafter Tang, and Trueblood (U.S. Patent 6,031,530).

Regarding claims 1, 100, 102, 105-107, and 111, Tang teaches providing a user interface and components through which a user specifies each entity whose contact availability is to be determined (the specifying of users for a gallery window, at col. 5, lines 18-21), accepting contact availability data representing at least one contact method for each entity from at least one electronic information source, dynamically determining a real-time availability status of each entity for each contact method, and graphically representing the real-time availability status of each entity (taught as the use of activity icons in relation to a specific worker in a gallery window that informs the user of the current availability of that specific worker in a real-time dynamic fashion, at col. 5, lines 4-55). While Tang fails to explicitly teach providing “peripheral awareness of a contact availability status” and a “peripheral awareness display area”, it is well known in the art that windows may be moved around the display screen of a user to various positions. The examiner takes official notice of these teachings. Thus, it would have

been obvious to one of ordinary skill in the art to position the contact availability of Tang off to the side of the display, forming a “sidebar” capable of displaying contact information peripherally to a user.

Furthermore, Tang fails to explicitly teach representing the real-time availability status of each entity in a persistent window.

Trueblood teaches a method for always-visible (persistent) windows that can be used to display information similar to the icons of Tang used to display entity status information, at col. 1, lines 8-11.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang and Trueblood before him at the time of the invention to modify the entity status window of Tang to incorporate the always-visible state of Trueblood to obtain a window for viewing information that is not coverable by other application windows, presented in the periphery of the user.

One would be motivated to make such a combination for the advantage of allowing a user to always have selected information visible on the display screen. See Trueblood, col. 2, lines 51-58.

Regarding claim 2, Tang teaches the automatic specification of at least one entity, selection and display of workers in a user's current work group, at col. 5, lines 12-18.

Regarding claim 3, Tang shows graphically representing the real-time availability of each entity comprises displaying a graphical representation of each entity using a dynamic thumbnail, as can be seen in Fig. 1A.

Regarding claim 4, Tang allows for using a graphical representation of eye contact for each entity to provide a social cue for indicating whether each entity is available, shown as faces staring at the user in Fig. 1A.

Regarding claim 5, it can be seen in Fig. 1A that Tang teaches at least one container within which the graphical representation of the real-time availability status of each entity is provided by using a dynamic thumbnail, shown as a section of the window displaying user statuses.

Regarding claims 6 and 7, Tang teaches at least one thumbnail for representing information other than contact availability status for an entity, shown as the use of thumbnails representing various actions a user can take, such as the “information button” of col. 7, lines 56-59.

Regarding claims 8-10, Tang teaches pulling contact availability data from at least one of the electronic data sources and receiving contact availability data that is pushed from at least one of the electronic information sources, taught as “pulling” contact information by receiving requested information about a selected user at col. 7, lines 56-59, and receiving “pushed” information automatically from the system to display worker activity levels, at col. 3, lines 32-46.

Regarding claim 101, Tang teaches determining a contact availability status for an entity based on multiple contact methods, taught as the support of audio, video and text modes, at col. 4, lines 15-28.

Regarding claims 103 and 104, while Tang and Trueblood fail to explicitly teach presenting a contact availability window as a sidebar or providing peripheral awareness of contact availability of selected entries, it is well known in the art that windows may be moved around the display screen of a user to various positions. Thus, it would have been obvious to one of ordinary skill in the art to position the contact availability of Tang and Trueblood off to the side of the display, forming a “sidebar” capable of displaying contact information peripherally to a user.

Regarding claim 113, while Tang does not explicitly teach graphically representing the real-time availability of an entity by way of changing contrast, brightness, shading, or transparency of the representation based on age of availability of the entity, Tang does teach changing the icon of the representation based on the age of availability, at col. 7, lines 9-16. Furthermore, the examiner contends that indicating the status of an object through changes in graphical parameters such as color, brightness, contrast, and size, are well known in the art, as in the commonly used “stoplight” metaphor for status indication, and as such it would have been obvious for one of ordinary skill in the art to represent changes in status by simply changing the graphical parameters of an entity. The examiner takes official notice of these teachings.

Regarding claim 114, Tang teaches displaying the availability status of a first entity in a first display area and displaying the availability status of a second entity in a second display area, as can be seen in Fig. 1A, with reference to the thumbnails of individual entities.

Regarding claim 115, Tang teaches moving a first display area into contact with a second display area, and combining the first display area with the second display area into a

common display area responsive to the moving step, taught as the ability to drag and drop various objects from outside a glance window into the glance window and incorporate it into the display area, at col. 8, lines 29-41.

Regarding claim 116, Tang teaches receiving a selection of a portion of the graphical representation of the real-time availability of an entity, and moving the selected portion of the graphical representation, as the moving of selected windows around a display is notoriously well known in the art.

Regarding claim 117, it can be seen in Fig. 1A that Tang teaches displaying the real-time availability of each entity in a plurality of thumbnails in a display area.

Regarding claim 120, Tang teaches receiving a selection of at least a portion of the real-time availability status of an entity, and displaying more detailed availability information of the entity responsive to receiving the selection, taught as the selection of an information button to display more detailed information regarding a selected entity, at col. 7, lines 56-61.

Regarding claim 121, while Tang does not explicitly teach displaying further extended information pertaining to more detailed availability information responsive to receiving the selection of the at least a portion of the more detailed availability information, the nesting of information and data is notoriously well known in the art, and is commonly implemented in windowing systems to conserve screen space. The examiner takes official notice of these teachings.

Regarding claim 122, Tang teaches displaying the availability status of an entity at a fixed location, the availability status remaining at a consistent location in the display area, as it is notoriously well known in the art that a user may choose whether or not to move a particular window around the display, and in not choosing to move such a window, the displayed items will remain at a constant location on the display.

Regarding claim 123, Tang teaches displaying the availability status of an entity on a display device responsive to a command, taught as the ability to select which worker's statuses are represented in the gallery window, at col. 5, lines 18-21.

Regarding claim 124, Tang teaches displaying the availability status of the entity on the display device based on the determined past patterns of use of the display device, taught as the use of an object cache for restoring previously used object references, at col. 13, lines 51-60.

3. Claims 11, 12, 16, 22, 25, 27-30, 36, 37, 110 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, and Barrus.

Regarding claim 11, Tang and Trueblood have been shown to teach graphically representing the real-time availability of each entity comprises displaying a graphical representation of each entity using a dynamic thumbnail.

Tang and Trueblood fail to teach a ticket defining an entity, and a viewer for displaying the ticket.

Barrus teaches a multimedia messaging system for carrying dynamically updated information similar to the information of Tang. Furthermore, Barrus teaches a ticket defining an entity, taught as a user's selection of a multimedia object for display, at col. 26, lines 19-22, and

a viewer for displaying the ticket, taught as a series of tests to determine the manner of display best suited for the content, at col. 26, lines 22-26.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Trueblood, and Barrus before him at the time the invention was made to modify the dynamic thumbnails of Tang and Trueblood to include the multimedia objects and their viewers of Barrus in order to obtain a real-time availability tracker where entities are defined and displayed separately.

One would have been motivated to make such a combination for the advantage of content portability to several display methods. See Barrus, col. 26, lines 10-14 and 22-26.

Regarding claim 12, Barrus allows for each customizable ticket thumbnail to be sharable, taught as a server accepting changes to a multimedia message and updating any interested parties of the changes, at col. 27, lines 14-16.

Regarding claim 16, Barrus provides for user interaction with each thumbnail through mouse clicks, at col. 11, lines 35-43, similar to the claimed manager for providing user interaction with each thumbnail.

Regarding claim 22, Barrus provides more detailed information upon the selection of a thumbnail through mouse clicks enabling a full text view of a thumbnail, at col. 11, lines 35-43. Tang teaches the display of a person window for tracking the availability of and chatting with contacts, at Fig. 8 and page 4, ¶ 0079.

Regarding claims 25, 110 and 112, Tang teaches the display of a historical availability of a contact, as the “idle” and “absent” statuses are time based, allowing the user to infer the historical availability of the contact, at col. 7, lines 9-16.

Regarding claim 27, Barrus teaches a sharable ticket between a first user and at least one additional user by sending each sharable ticket as an email attachment, taught as the attaching of a media object to an e-mail message, at cols. 1-2, lines 61-67 and 1-2.

Regarding claim 28 and 37, Barrus shows dragging and dropping at least one ticket from a remote web site to at least one user display device, taught as dragging and dropping an image off of a web page and into a multimedia message window, at cols. 20 and 21, lines 35-42 and 13-17.

Regarding claim 29, Barrus teaches a network accessible database of tickets for allowing a user to access the tickets via a network accessible device, taught as the transfer of a multimedia message thumbnail from a database, at col. 20, lines 4-7.

Regarding claim 30, Barrus teaches creating tickets via a user interface, taught as the automatic generation of an object thumbnail upon the completion of the drag-and-drop method, at col. 21, lines 28-38, and has been shown to teach adding messages to existing multimedia messages to create a nesting effect.

Regarding claim 36, Barrus teaches the automatic creation of at least one ticket, taught as the use of an automatic object creation module for receiving and translating information of interest, at col. 18, lines 10-19.

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, Barrus, and Barker et al (U.S. Patent 5,129,052), hereinafter Barker.

Regarding claim 13, Tang, Trueblood, and Barrus show the aggregation of at least two ticket thumbnails into at least one group accessible via the user interface displaying a persistent window, taught as the addition of supplemental electronic documents and audio clips into a multimedia message, at col. 12, lines 42-44.

Tang and Barrus fail to explicitly teach the aggregation of groups into any number of levels of recursively nested groups, or the recursive expansion of such groups.

Barker teaches a technique for the dynamic selection of logical element data formats based upon logical element characteristics which are established as a document is created or modified, (at col. 1, lines 18-21), similar to the ticket/viewer pairs taught by Barrus. Barker further teaches the recursive nesting of elements, such as the groups of Barrus, taught at col. 3, lines 41-54. Barker also teaches the recursive expansion of recursively nested groups, taught as the restoration of a parent-child relationship to the next higher level of the iterative loop, at col. 3, lines 55-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Barrus, Trueblood, and Barker before him at the time of the invention to modify the nested groups of Tang, Barrus, and Trueblood to include the recursive nesting Barker to obtain a system of aggregating nested groups of tickets into recursively nested groups.

One would be motivated to make such a combination for the advantage of allowing multiple relationships to occur between two logical elements. See Barker, col. 2, lines 12-16.

Regarding claim 14, Barrus teaches the display of a group as a group thumbnail within a container, taught as the thumbnail image representing a plurality of elements, at col. 25, lines 26-31.

Regarding claim 15, Barrus the display of a summary within the thumbnail of the information represented by the tickets comprising the group, taught as the thumbnail representation of many objects in a particular multimedia message, at col. 25, lines 26-31.

5. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, and Brown (U.S. Patent 6,259,461).

Regarding claim 17, Tang and Trueblood have been shown *supra* to teach the display of dynamic thumbnails in a persistent window.

Tang fails to explicitly teach including with each ticket a visibility flag, where particular thumbnails are only displayed when the visibility flag is set.

Brown teaches a system related to the display of objects in a computer graphics system (col. 1, lines 7-10), similar to the objects displayed by Tang. Furthermore, Brown teaches the setting of a visibility flag to determine whether or not an object is displayed on screen, similar to applicant's claimed visibility flag for particular thumbnails, at col. 9-10, lines 58-67 and 1-7.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Trueblood, and Brown before him at the time the invention was made to

modify the dynamic thumbnails of Tang to include the visibility flags of Brown in order to obtain a system for selectively displaying dynamically updated information.

One would be motivated to make such a combination for the advantage of selectively displaying information on a screen and improve the graphic performance of a system. See Brown, col. 3, lines 2-6.

Regarding claim 18, the method of Brown sets the visibility flag for an object automatically, at col. 3, lines 43-47.

Regarding claim 19, Brown allows for the manual setting of a visibility flag via the user interface, taught as the setting of the flag through the application program, at col. 6, lines 42-45.

6. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, Barrus, and the applicant's submitted InfoGate reference (Reference 3), hereinafter InfoGate.

Regarding claim 20, Tang, Trueblood and Barrus teach the display of dynamic thumbnails in a persistent window representative of information of interest to a user.

Tang and Barrus fail to explicitly teach the display of timed thumbnails, wherein the thumbnails are displayed at predetermined times.

InfoGate teaches a customizable toolbar used to dynamically deliver selected information to the desktop of a user, similar to the multimedia messages of Barrus. InfoGate also teaches displaying timed thumbnails, wherein the thumbnails are displayed at predetermined times, taught as the use of alerts for bringing up to the moment information to the

desktop toolbar as scheduled by the user, in the form of a predetermined price of stock quotes, at page 4.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Trueblood, Barrus and InfoGate before him at the time of the invention to combine the multimedia messages of Tang and Barrus with the ability to display timed information of InfoGate, to obtain a dynamically updated messaging system wherein information may be displayed to a user at a specified time.

One would be motivated to make such a combination for the advantage of enhancing user customizability by allowing a user to specify thumbnail alerts. Motivation for such a combination is given by InfoGate, who teach a highly personalized desktop ticker at page 1 of the reference.

Regarding claim 21, InfoGate teaches the termination of thumbnails at predetermined times, such as when an alert has been responded to and is not forwarded to other media devices, at page 8 of the reference.

7. Claims 23, 24, 108, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, Barrus, and "The Notification Collage: Posting Information to Public and Personal Displays", by S. Greenberg and M. Rounding (applicant's reference 10), hereinafter Greenberg.

Regarding claims 23 and 108, Tang, Trueblood and Barrus teach the display of dynamic thumbnails representative of information of interest to a user in a persistent window. Tang has been shown to teach the display of a person window for tracking the availability of and chatting with contacts.

Tang and Barrus fail to teach including a list of actionable communication access points for the entity represented by the thumbnail.

Greenberg teaches a Notification Collage for keeping track of information of interest. Greenberg further teaches the use of a pop-up menu for interacting with other users through addresses accessed through the menu, at page 4, col. 1.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Trueblood, Barrus, and Greenberg before him at the time the invention was made to modify the person window of Tang and Barrus to include the contact addresses of Greenberg to obtain a multimedia messaging system where user contacts may be interacted with through the use of a pop-up interface.

One would be motivated to make such a combination for the advantage of quickly accessing contact information about a user of interest. See Greenberg, page 4.

Regarding claims 24 and 109, Greenberg teaches identifying a best available communication access point for a contact, taught as presenting custom interactions for specific media elements that a user can respond to, at page 4, col. 1.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Tang, Trueblood, Greenberg, and *Snippets Product Overview* (applicant's submitted reference 1), hereinafter Snippets.

Barrus, Tang, Trueblood and Greenberg have been shown to teach a persistent person window including a list of actionable communication access points for the entity represented by the thumbnail.

Barrus, Tang, and Greenberg fail to explicitly teach the inclusion of a calendar schedule for the entity represented by a thumbnail.

Snippets teaches a display of dynamically updated information on the desktop of a user, similar to the dynamic information displays of Barrus and Tang. Furthermore, Snippets teaches the inclusion of a calendar or schedule for an entity, taught on pages 1 and 4 of the reference.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus, Trueblood, Tang, Greenberg, and Snippets before him at the time the invention was made to modify the person window including a list of actionable communication access points for the entity represented by the thumbnail of Barrus, Tang, and Greenberg to include the calendar view of Snippets to obtain a dynamically updated multimedia messaging system wherein one of the dynamic objects is a calendar.

One would be motivated to make such a combination for the advantage of viewing an updated calendar for an entity faster and easier than in previous methods. See Snippets, page 1, paragraph entitled "The Snippets Solution".

9. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, and Barrus.

Regarding claims 31-35, Tang and Trueblood have been shown *supra* to teach a method for providing a user interface, accepting contact availability data, dynamically determining real-time availability status, and graphically representing real-time availability status. Barrus has been shown *supra* to teach the storing of ticket/viewer pair thumbnails in containers on a display. Barrus fails to explicitly teach the use of such containers wherein the container is resizable, wherein the container is automatically resized, wherein the container is resized via the user interface, and wherein the dynamic thumbnails within the container are

automatically resized as the container is resized. The use of a mouse pointer to resize windows through click and drag methods are well known in the art, as well as automatic resizing techniques, such as window minimization or maximization, in multiple applications and operating systems. Furthermore, it is well known in the art that the resizing of windows can also serve to resize the contents within them. For example, the resizing of many multimedia video player windows, such as the Winamp media player, also resizes the media accordingly. Furthermore, many text and image editors exist that allow for the resizing of the text and images within them by simply resizing the container they are displayed in. The Examiner takes official notice of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to combine the multimedia messaging system of Tang, Trueblood, and Barrus with these well known teachings to obtain a messaging system wherein the windows storing media and the media within a message are automatically resized when the window is resized. One would be motivated to make such a combination for the advantage of quick and easy and sizing of a window and its contents.

10. Claims 118 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Trueblood, and Scott et al (US Patent 6,545,687), hereinafter Scott.

Regarding claim 118, Tang and Trueblood fail to explicitly teach determining a size of each thumbnail based on a size of a display area, determining the size of at least one thumbnail as below a predetermined threshold size, and dividing the display area into a plurality of display areas based on the size of at least one thumbnail as below the predetermined threshold size.

Scott teaches a system for the display of textual and icon information similar to that of Tang and Trueblood. Furthermore, Scott teaches determining a size of each thumbnail based on a size of a display area, determining the size of at least one thumbnail as below a predetermined threshold size, and dividing the display area into a plurality of display areas

based on the size of at least one thumbnail as below the predetermined threshold size, taught as the adjustment of the scale and layout of thumbnails in response to the size of a display area, at col. 2, lines 46-65. Inherently, the thumbnails must be below a predetermined threshold size in order to allow for the display of all thumbnails simultaneously.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tang, Trueblood, and Scott before him at the time the invention was made to modify the availability notification system of Tang and Trueblood with the thumbnail layout and scaling system of Scott.

One would have been motivated to make such a combination for the advantage of allowing rapid scaling and reduced memory requirements. See Scott, col. 2, lines 9-12.

Regarding claim 119, Tang teaches a plurality of display areas in "strips" at Fig. 1A.

Response to Arguments

Applicant's arguments with respect to claims 1-37 and 100-124 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
7/7/2006

TADESSE HAILU
Patent Examiner
